

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 13, 2006**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Street Dedications and Namings Request – New Towne, Section 7, Lots 1 thru 51, off Wessex Road**

RECOMMENDATION: Approval of resolution to approve the street dedications and namings request

SUMMARY: Long Meadows, Inc., Bertie D. Heiner, Charles Rotgin, Jr., and Lucius H. Bracey, Jr., represented by Thomas C. Brooks, Sr., Acres of Virginia, Inc., are requesting to dedicate 2.676 acres for rights-of-way and name (1) the proposed public street extension of Wessex Road and (2) new public streets Ross Road and (3) Bennett Drive. The new streets will serve fifty-one (51) newly created lots for residential development. Wessex Road, with a fifty (50) foot right-of-way would extend from its present terminus in a northerly direction for approximately 1,200 feet to Bennett Drive. Bennett Drive, with a fifty (50) foot right-of-way, would extend from Wessex Road in a northwesterly direction for approximately 100 feet to terminate at the edge of the subject property and extend in a southeasterly direction for approximately 700 feet to its terminus in a cul-de-sac. Ross Road, with a fifty (50) foot right-of-way, would extend from Wessex Road in a northwesterly direction for approximately 150 feet to its terminus at an existing 80' easement for ingress and egress.

PRIOR ACTION(S):

May 24, 2006: Planning Division recommended approval
Planning Commission recommended approval (7-0 with no one absent)

FISCAL IMPACT: N/A

CONTACT(S):

Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Subdivision Plat
- Vicinity Map

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION APPROVING A PRELIMINARY SUBDIVISION PLAT INCLUDING THE DEDICATION OF A PROPOSED STREET EXTENSION AND TWO (2) PROPOSED NEW PUBLIC STREETS TO BE NAMED "ROSS ROAD" AND "BENNETT DRIVE."

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the preliminary subdivision plat entitled "Plat Showing Lots 1 thru 51, Section 7, New Towne," made by Acres of Virginia, Inc., dated March 24, 2006 subdividing into fifty-one (51) lots a tract of land totaling approximately twenty-one (21) acres located on the north side of Wessex Road and dedicating to the City of Lynchburg for the public use the extension of an existing street and two (2) new public streets in said subdivision to be constructed in compliance with the above referenced plat consisting of a total of 2.676 acres, the new street rights-of-way are described as follows:

1. An extension of Wessex Road with a fifty (50) foot right-of-way for approximately 1,200 feet in a northerly direction to its terminus at Bennett Drive;
2. A proposed new street with a fifty (50) foot right-of-way extending approximately 100 feet in a northwesterly direction from the proposed extension of Wessex Road to the edge of the subject property; thence extending approximately 700 feet in a southeasterly direction to its terminus in a cul-de-sac, to be named "Bennett Drive"; and
3. A proposed new street with a fifty (50) foot right-of-way extending approximately 150 feet in a northwesterly direction from Wessex Road to its terminus at an existing 80 foot easement for ingress and egress to County Green Drive, a private road, to be named "Ross Road",

. . . be and the same is hereby, approved and accepted, contingent upon obtaining construction bonds and the recordation of an executed subdivision plat, and the City Engineer and the Clerk of Council are hereby authorized to sign the final plat of said subdivision, upon the approval of the said final plat by the Technical Review Committee.

AND BE IT FURTHER RESOLVED, that the name of the extended street, Wessex Road, and the names of "Bennett Drive" and "Ross Road" for the new streets are hereby approved.

Adopted:

Certified:

Clerk of Council

063L

THE DEPARTMENT of COMMUNITY DEVELOPMENT
City Hall, Lynchburg, VA 24504 434.455.3900

To: Planning Commission

From: Planning Division

Date: May 24, 2006

**RE: STREET DEDICATIONS AND NAMINGS REQUEST – NEW TOWNE, SECTION 7, LOTS 1
THRU 51, OFF WESSEX ROAD**

I. APPLICANT

Property Owners: Long Meadows, Inc., P.O. Box 4338, Lynchburg, VA 24502-0338
Bertie D. Heiner, Charles Rotgin, Jr., and Lucius H. Bracey, Jr., P.O. Box 1288,
Charlottesville, VA 22902-1288

Representative: Thomas C. Brooks, Sr., Acres of Virginia, Inc., 404 Clay Street, Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of land containing a total of approximately twenty-one (21) acres located on the north side of Wessex Road. The proposed new street dedications contain 2.676 acres.

III. PURPOSE

The purpose of the request is to dedicate 2.676 acres for rights-of-way and name (1) the proposed public street extension of Wessex Road and (2) new public streets Ross Road and (3) Bennett Drive. The new streets will serve fifty-one (51) newly created lots for residential development.

IV. SUMMARY

- **Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing R-3, Medium Density, Two-Family Residential District.**
- Request agrees with the Zoning Ordinance requirements for rights-of-way dedications.
- Request complies with City Code Section 35.105 requirements that "...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."
- The Traffic Engineer, Fire Marshal, Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager have no concerns with the proposed new street names, "Bennett Drive" and "Ross Road."

The Planning Division recommends approval of the public street dedications and namings request.

V. FINDINGS OF FACT

1. **Background.** Thomas C. Brooks, Sr., is requesting to dedicate 2.676 acres for rights-of-way and name (1) the proposed public street extension of Wessex Road and (2) new public streets Ross Road and (3) Bennett Drive. Wessex Road, with fifty (50) feet of right-of-way, would extend from its present terminus in a northerly direction for approximately 1,200 feet to its terminus at Bennett Drive. Bennett Drive, with fifty (50) feet of right-of-way, would extend from Wessex Road in a northwesterly direction for approximately 100 feet to terminate at the edge of the subject property and extend in a southeasterly direction for approximately 700 feet to its terminus in a cul-de-sac surrounded by lots created by this subdivision. Ross Road, with fifty (50) feet of right-of-way, would extend from Wessex Road in a northwesterly direction for approximately 150 feet to its terminus at an existing 80' easement for ingress and egress. This easement extends to County Green Drive, a private street which is off McConville Road.
2. **Zoning.** The subject property is zoned R-3, Medium Density, Two-Family Residential District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the street dedications and namings request.

- 4. Proposed Use of Property.** The new streets would serve fifty-one (51) newly created lots for residential development.
- 5. Technical Review Committee.** The Technical Review Committee (TRC) reviewed a preliminary subdivision plat on May 2, 2006. The TRC noted the need for several revisions, most of which are minor in nature and which are expected to be resolved by the applicant prior to the approval of a final plat. The TRC had the following comments of significance to the consideration of the requested street dedications:
- “Vacate sanitary sewer easements in the proposed Wessex Road right-of-way.”
 - All proposed water, sewer and storm drainage easements must be shown on plat before approval. This typically requires the site design to be complete before the location of these can be established.”
 - Can the alignment of Bennett Drive be shifted to the southwest at the point that it terminates at the Alliance MD Portfolio II, LLC property to eliminate the 31.87 foot wide area that would be created by a continuation of this street?”
 - Separate road-water-sewer plans must be submitted to Engineering Division for review for any infrastructure which is to ultimately become the property of the City of Lynchburg.”

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication and naming of (1) the proposed public street extension of Wessex Road and (2) new public streets Ross Road and (3) Bennett Drive, with fifty (50) feet of right-of-way, to be constructed in substantial compliance with the plat by Acres of Virginia, Inc., dated March 24, 2006. The dedications of (1) the proposed public street extension of Wessex Road and (2) new public streets Ross Road and (3) Bennett Drive and their acceptance as public streets are contingent on Long Meadows, Inc. and Bertie D. Heiner, et al, filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City and the construction of the streets in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of (1) the proposed street extension of Wessex Road and (2) new streets Ross Road and (3) Bennett Drive as public streets null and void.

This matter is hereby offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Ms. Nicole Gilkeson, Community Development Planner
Mr. Thomas C. Brooks, Sr., Representative

VII. ATTACHMENTS

- 1. “Plat Showing Lots 1 thru 51, Section 7, New Towne”**
(see attached plat by Acres of Virginia, Inc., dated March 24, 2006)

MINUTES FROM THE MAY 24, 2006 PLANNING COMMISSION MEETING. THESE MINUTES HAVE BEEN REVIEWED BUT NOT APPROVED BY THE COMMISSION.

Petition to dedicate 2.676 acres for rights-of-way and name (1) the proposed public street extension Wessex Road and (2) new public streets Ross Road and (3) Bennett Drive. The streets will serve fifty-one (51) newly created lots for residential development.

Mr. Tom Martin, City Planner, explained to the Commission that the street dedication request would propose extension of Wessex Road and the creation of two new public streets, which would be named Ross Road and Bennett Drive. He said that the streets would serve fifty one (51) new lots for residential development, and that all of the proposed lots would be served by city water and sewer. He noted that the development was proposed to have underground utilities serving all of the lots. He added that the traffic engineer, the fire marshal, the emergency communications communicator, and the post office had all reviewed the proposed street name and extensions and had no concerns with them. Mr. Martin concluded by saying that the Planning Division recommended approval of both the street extensions and dedication.

Mr. Thomas Brooks of Acres of Virginia, Inc. addressed the Commission. Mr. Brooks explained that the subdivision was mapped out by his company, and that it was composed of fifty one (51) lots. He said, as Mr. Martin stated, that the lots would have water and sewer curving under the total city street. He told the Commission that if they had any questions regarding the subdivision, he would be glad to answer them.

After further discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Bacon and passed with the following vote:

"That the Planning Commission recommends to City Council approval of the dedication and naming of (1) the proposed public street extension of Wessex Road and (2) new public streets Ross Road and (3) Bennett Drive, with fifty (50) feet of right-of-way, to be constructed in substantial compliance with the plat by Acres of Virginia, Inc., dated March 24, 2006. The dedications of (1) the proposed public street extension of Wessex Road and (2) new public streets Ross Road and (3) Bennett Drive and their acceptance as public streets are contingent on Long Meadows, Inc. and Bertie D. Heiner, et al, filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City and the construction of the streets in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of (1) the proposed street extension of Wessex Road and (2) new streets Ross Road and (3) Bennett Drive as public streets null and void."

AYES:	Bacon, Barnes, Flint, Hamilton, Sale, Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSTEN:	Oglesby	1